

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUANITA MURRAY,

Plaintiff, **DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
SECOND AMENDED
COMPLAINT**

-against-

NEW YORK CITY BOARD OF EDUCATION, ROBERT
MERCEDES, SUSAN CARR LAGOMARSINI

15-CV-3191 (RRM) (ST)

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Declaration of Assistant Corporation Counsel Justin W. Reiter in Support of Defendants' Motion to Dismiss the Second Amended Complaint, executed on March 22, 2018, and the exhibits annexed thereto, the Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Complaint ("Complaint"), executed on March 22, 2018, and upon all the papers and proceedings previously had herein, Defendants The Board of Education of the City School District of the City of New York ("BOE") (sued herein as "New York City Board of Education"), Robert Mercedes and Susan Carr-Lagomarsini (collectively "Defendants") will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, before the Honorable Roslynn R. Mauskopf, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the Complaint against Defendants on the grounds that: (1) Plaintiff's ADEA and Title VII claims are time-barred (2) Plaintiff's Title VII and ADEA retaliation claims are barred by the doctrine of collateral estoppel, and (3) the Complaint otherwise fails to state a plausible claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to the order of the Court dated February 2, 2018, Plaintiff shall serve her opposition on or before April 23, 2018, and Defendants shall serve their reply, if any, and file the fully briefed motion via ECF, on or before May 7, 2018.

Executed: New York, New York
March 22, 2018

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-141
New York, New York 10007
(212) 356-3580
jreiter@law.nyc.gov

By: /s/ *Justin W. Reiter*
Justin W. Reiter
Assistant Corporation Counsel

TO: Bryan Glass (by ECF)
Attorney for Plaintiff

Docket No. 15-CV-3191 (RRM) (ST)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUANITA MURRAY,

Plaintiff,

-against-

NEW YORK CITY BOARD OF EDUCATION,
ROBERT MERCEDES, SUSAN CARR
LAGOMARSINI,

Defendants.

**NOTICE OF MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT AND DECLARATION**

ZACHARY W. CARTER

*Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street
New York, N.Y. 10007*

*Of Counsel: Justin Reiter
Tel: (212) 356-3580
Matter No.: 2015-026482*

Due and timely service is hereby admitted.

New York, N.Y.201

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Attorney for.....